

Customer No. 27061
Confirmation No. 6753

Patent
Attorney Docket No. GEMS8081.072

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application : Zettel et al.
of
Serial No. : 09/681,573
Filed : May 1, 2001
For : Method and System for Publishing Electronic Media to a
Document Management System in Various Publishing Formats
Independent of the Media Creation Application
Group Art No. : 2178
Examiner : Kyle R. Stork

CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

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Date: October 18, 2006

/Robyn L. Templin/
Signature

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF
MAILED SEPTEMBER 19, 2006

Dear Sir:

Responsive to the Notice of Non-Compliant Appeal Brief mailed September 19, 2006, Applicant requests consideration of the remarks set forth below:

REMARKS

In the Notification of Non-Compliant Appeal Brief, the Appeal Brief was considered defective for failing to identify and map all independent claims on appeal. While the section under the heading "SUMMARY OF CLAIMED SUBJECT MATTER" did summarize the claims on appeal to the specification by paragraph number and to the drawings, if any, the summary paragraphs weren't labeled according to the claim number. As such, please find below an amended Appeal Brief labeling the summary paragraphs as corresponding to their respective claim numbers.

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Attorney Docket No.: GEMS8081.072

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Customer No. 27061

Patent
Attorney Docket No. GEMS8081.072**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : Zettel et al.
Serial No. : 09/681,573
Filed : 5/1/2001
For : Method and System for Publishing Electronic Media to a
Document Management System in Various Publishing
Formats Independent of the Media Creation Application
Group Art No. : 2178
Examiner : Stork, K.

CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

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37 CFR 1.8(a)**37 CFR 1.10**

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Signature

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF PURSUANT TO 37 C.F.R. §§1.191 AND 1.192

Dear Sir:

This Appeal Brief is being filed in furtherance of the Notice of Appeal filed on January 9, 2006.

1. **REAL PARTY IN INTEREST**

The real party in interest is General Electric Company, the Assignee of the above-referenced application by virtue of the assignment to General Electric Company, recorded on August 20, 2001, at real 012097, frame 0028.

2. **RELATED APPEALS AND INTERFERENCES**

Appellant is unaware of any other appeals or interferences related to this Appeal. The undersigned is Appellant's legal representative in this Appeal. General Electric Company, the Assignee of the above-referenced application, as evidenced by the documents mentioned above, will be directly affected by the Board's decision in the pending appeal.

3. **STATUS OF THE CLAIMS**

Claims 1–29 are currently pending. Outstanding final rejections remain with respect to claims 1-29 and, thus, are the subject of this appeal.

4. **STATUS OF AMENDMENTS**

The Appellant has not submitted any amendments subsequent to the Final Office Action mailed on October 10, 2005.

5. **SUMMARY OF CLAIMED SUBJECT MATTER**

Claim 1: A method to electronically publish media to a document management system is claimed which includes the steps of accessing (Fig. 7, 104) an electronic data file and receiving (Fig. 7, 106) a publication instruction from a document creation application to publish the accessed data file. Application, ¶ 10. The method includes the step of initializing (Fig. 7, 116) a publication enabler (Fig. 3, 86) capable of converting a data file into at least one publication format (Fig. 3, 110) in response to the publication instruction, wherein the publication enabler (Fig. 3, 86) is independent of the document creation application used to create the electronic data file. Id. at ¶¶ 10, 28. The method includes selecting (Fig. 7, 124) a publication format (Fig. 3, 110) via the publication enabler (Fig. 3, 86) and if necessary for publication to the document management system, converting (Fig. 7, 146) the accessed data file directly into another publication format (Fig. 3, 118). Id. at ¶ 10. The method further includes the step of publishing (Fig. 7, 146) the data file in at least one publication format (Fig. 3, 110) to a document management system. Id. at ¶¶ 10, 33.

Claim 5: The method also includes wherein the step of publishing further comprises the step of transmitting (Fig. 7, 146) the data file and a plurality of document parameters (Fig. 7, 122-130, 140) to the document management system, wherein the data file and plurality of document parameters (Fig. 7, 122-130, 140) are configured to enable the document management system to automatically assign (Fig. 7, 140) a coded filename, a storage location, and a file identifier to the data file. Id. at ¶ 46.

Claim 8: A computer readable storage device is claimed that has stored thereon a program that when executed by a computer causes the computer to identify (Fig. 7, 106) a command from a media creation application to manage an electronic media and access (Fig. 7, 104) the electronic media. Id. at ¶¶ 9, 11. The computer program also causes the computer to initialize a media publisher (Fig. 3, 86) independent of the media creation application and configured to control publication of the electronic media to a document management system, wherein the media publisher (Fig. 3, 86) is further configured to transform (Fig. 7, 146) the content of the electronic media into at least one publication format (Fig. 3, 110). Id. at ¶ 11. The computer is further caused to receive (Fig. 7, 142) a media control instruction from the media publisher (Fig. 3, 86) to transform the content of the electronic media into at least one publication format (Fig. 3, 110). Id. The program further causes the computer to publish (Fig. 7, 146) the content of the electronic media directly into the at least one publication format (Fig. 3, 110) in accordance with the received media control instruction and storage rules of the document management system. Id. at ¶¶ 9, 11, 32.

Claim 12: The computer readable storage device also includes wherein the computer is further caused to receive (Fig. 7, 146) more than one media control instruction and simultaneously transform the content of the electronic media into more than one format (Fig. 3, 110). Id. at ¶¶ 34, 38, 41.

Claim 16: A computer readable storage medium is claimed that has a computer program stored thereon and embodying a sequence of instructions that when executed by a processor causes the processor to access (Fig. 7, 104) an electronic data file in response to at least one of an application print command and application open command. Id. at ¶¶ 9, 12. The processor is caused to display (Fig. 7, 116) a graphical user interface (Fig. 3, 86) configured to facilitate user selection of a number of publication commands and receive (Fig. 7, 142) a user selection of at least one publication command. Id. at ¶ 12. The processor is further caused to route (Fig. 7, 144) the electronic data file to a converter configured to convert the electronic data file directly into at least one of a number of publication formats (Fig. 3, 110) compatible with a document

management system and transmit (Fig. 7, 146) the at least one converted data file to at least one publication system capable of publishing the converted data file in the at least one publication format (Fig. 3, 110) to the document management system. Id. at ¶¶ 9, 12, 32.

Claim 24: The computer readable storage medium also includes wherein the sequence of instructions further causes the processor, in response to a user instructions, to display (Fig. 7, 122) a listing (Fig. 3, 170) of document approving supervisors. *Id.* at ¶¶ 42, 46.

Claim 25: A system for publishing documents to a document management system is claimed that includes a computerized network (Fig. 1, 10) and a readable memory (Fig. 1, 13) electronically linked to the network (Fig. 1, 10). Id. at ¶ 13. The system further includes a plurality of computers (Fig. 1, 12, 18, 22) connected to the network (Fig. 1, 10), wherein at least one of the plurality of computers (Fig. 1, 12, 18, 22), displays electronic data to a user in the form of a graphical user interface (Fig. 3, 86). Id. The system further includes a processing unit (Fig. 1, 16) programmed to call the GUI (Fig. 3, 86) on demand and enable a user selection (Fig. 7, 118) of one or more publication formats (Fig. 3, 110), wherein the one or more publication formats (Fig. 3, 110) conform to document management system parameters and include publication formats (Fig. 3, 110) non-native to a creation document format. Id. at ¶¶ 13, 32. The processing unit (Fig. 1, 16) is further programmed to convert (Fig. 7, 146) a document to at least one of the publication formats (Fig. 3, 110) and call the GUI (Fig. 3, 86) directly from the application used to create the document a user desires to publish. Id. at ¶¶ 9, 13, 32.

Claim 26: The system also includes wherein the processing unit is further programmed to automatically generate (Fig. 7, 132) a document management system document identifier and assign (Fig. 7, 140) the document management system document identifier to the document. Id. at ¶ 46.

Claim 28: The system further includes wherein the processing unit is further programmed to display (Fig. 7, 122) a list (Fig. 3, 170) of a number of supervisors approving and a list (Fig. 3, 172) of a number of work flow document recipients upon a user instruction.

6. GROUNDS OF REJECTION

Claims 1-11, 13-15, 25, 27, and 29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Academic Technology Services (hereinafter ATS), and further in view of Bendik (US 2002/0002563). Claims 12 and 16-23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over ATS and Bendik, and further in view of Alam et al. (USP 6,336,124 – hereinafter Alam). Claim 24 stands rejected under 35 U.S.C. §103(a) as being unpatentable over

ATS, Bendik, and Alam, and further in view of Ouchi (USP 6,370,567). Claim 26 stands rejected under 35 U.S.C. §103(a) as being unpatentable over ATS and Bendik, and further in view of Chen et al. (USP 6,009,442 – hereinafter Chen). Claim 28 was rejected under 35 U.S.C. §103(a) as being unpatentable over ATS and Bendik in view of Ouchi.

7. **ARGUMENT**

REJECTION UNDER 35 U.S.C. §103(a) OVER

ATS IN VIEW OF BENDIK:

Claims 1-11, 13-15, 25, 27, and 29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over ATS in view of Bendik. The Examiner has misapplied long-standing and binding legal precedents and principles in rejecting the claims under §103(a) of Chapter 35 of the United States Code.

Contrary to the Examiner's assertion, Appellant respectfully disagrees that the art of record supports a 35 U.S.C. §103(a) rejection of the present claims. The burden of establishing a prima facie case of obviousness falls on the Examiner. MPEP §2142. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching or suggestion supporting the combination. ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984). Accordingly, to establish a prima facie case, the Examiner must not only show that the combination includes each and every element of the claimed invention, but also provide "a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." Ex parte Clapp, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985). That is, "[o]bviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art." MPEP §2143.01. "The fact that references can be combined or modified is not sufficient to establish prima facie obviousness." Id. (emphasis added). When prior art references require a selected combination to render obvious a subsequent invention, there must be some reason for the combination other than the hindsight gained from the invention itself, i.e., something in the prior art as a whole must suggest the desirability, and thus the obviousness, of making the combination. Uniroyal Inc. v. Rudkin-Wiley Corp., 837 F.2d 1044, 5 U.S.P.Q.2d 1434 (Fed. Cir. 1988).

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP §2143. Appellant believes that a prima facie case of obviousness cannot be made based on the art of record because, as will be shown below, (I) the references are directed to different purposes and, therefore, there is no motivation to combine these references in a way done so by the Examiner, other than Appellant's own teaching and (II) all the elements of the present claims are not present in the references. The Examiner, as will be shown below, has failed to criteria necessary to support a §103(a) rejection.

CLAIM 1:

Claim 1 calls for, in part, initializing a publication enabler capable of converting a data file into at least one publication format in response to the publication instruction, wherein the publication enabler is independent of the document creation application used to create the electronic data file; selecting a publication format via the publication enabler; and publishing the data file in at least one publication format to a document management system.

(I) Lack of motivation to combine references:

ATS teaches creating PDF files from an existing electronic document using Adobe PDFWriter, "which allows you to 'print' your document to a PDF file similar to the way you would print your document on a printer." ATS, p. 3. ATS teaches selecting print properties as well as printer properties. Id. at 4-5. Following selection of an OK button on the print dialog, PDF generation begins. Id. at 5. A standard file dialog box is presented to allow the user to determine the directory on the hard drive where the PDF file is to be created and to give the PDF file a name. Id. The PDF file is generated upon selection of an OK button in the standard file dialog box. Id.

ATS also discloses other aspects of "Adobe PDF for Electronic Publishing." Title. ATS discloses scanning and capturing a PDF from a paper document (pp. 8-11), capturing suspects (pp. 11-12), viewing a PDF file (pp. 13-14), editing a PDF file (pp. 15-17), enhancing PDF files with notes, links, bookmarks, and security (pp.18-22). In addition, ATS includes an appendix entitled "PDF Forms on the Web" that includes sections explaining what a PDF form is, producing a PDF form, and differences between HTML and PDF forms. See pp. 23-24. These other aspects, however, are independent from the PDFWriter application.

Bendik discloses “a computer implemented method for managing documents including the steps of creating a document profile that includes fields of attributes of a document, and generating a unique identifier corresponding to the document (that is, corresponding preferably to the document profile and the associated document content).” Par. [0007]. Bendik teaches that “[t]he unique identifier includes at least a first portion inducing information descriptive of an attribute of the document and at least a second portion including an automatically generated number.” Id. Bendik further discloses a button for creating a document of a specified application based on predefined system variables and invoking the application pertaining to the document. See par. [0073].

The Examiner concluded that ATS discloses “publishing the data file in at least one publication format (page 5, number 7)” and that “Bendik discloses a document management system with storage criteria (paragraphs 0007-0013).” Final Office Action, Oct. 7, 2005, p. 3. The Examiner then stated that “[i]t would have been obvious to one of ordinary skill in the art at the time of the applicant’s invention to have combined ATS’s method with Bendik’s method, since it would have allowed a user to easily share documents within a workgroup without requiring knowledge of the DOS filename or the physical location of the document (Bendik, paragraph 0002).” Id. Appellant respectfully disagrees.

The Examiner cites to paragraph [0002] of Bendik for the proposition that “sharing of documents” is akin to Appellant’s claimed publishing. Such is not the case. First, it is noted that the “sharing of documents” is derived from paragraph [0003] of Bendik, not paragraph [0002]. In paragraph [0003] of Bendik, Bendik generally describes document management systems and how they are used. That is, Bendik states that document management systems automate document management on computer networks and “facilitate location and sharing of documents in workgroups without requiring knowledge of, for example, the DOS filename or physical location of a document.” Par. [0003].

As stated above, ATS discloses PDF file generation from a document in its original application and in its original format to the PDF format. Bendik discloses creating a document in the application original to the document and a document profile corresponding to the document. Bendik neither teaches nor suggests converting a document from its original format to any other format. That is, Bendik fails to teach or suggest PDF file generation from a document to a PDF so that the PDF may be shared within a workgroup. There is no motivation in Bendik for converting a document to a PDF to allow users to share documents within the workgroup without requiring knowledge of the DOS filename or the physical location of the document. Instead,

sharing the document within a workgroup may be accomplished by leaving the document in its native format while linked together with a corresponding document profile. As such, there is no motivation in Bendik for combining ATS therewith to produce the claimed invention because the documents in Bendik need not be converted for sharing without requiring knowledge of the DOS filename or the physical location of the document.

As one skilled in the art will readily recognize, a document management system is intended to work in the background behind the original document applications such that a document can be saved without knowing a specific file name and/or locations. Since document management systems work in the background, those using such systems do not convert the files into a different format. For example, if creating a document in Microsoft Word, and once saved into the document management system, one would expect that when retrieving that document, it will still be in the Microsoft Word format, not converted to a WordPerfect format or a PDF format. Therefore, for this additional reason, there is no motivation to combine ATS with the document management system of Bendik.

Appellant believes that neither the references nor the knowledge generally available to one skilled in the art provides motivation to combine ATS with Bendik to produce the claimed invention.

(II) Lack of references teaching, showing, or disclosing all the elements of the present claims:

Claim 1 calls for, in part, initializing a publication enabler capable of converting a data file into at least one publication format in response to the publication instruction, wherein the publication enabler is independent of the document creation application used to create the electronic data file and selecting a publication format via the publication enabler. The Examiner concluded that ATS teaches “[s]electing a publication format via the publication enabler (pages 23-24).” Final Office Action, supra at 3. The Examiner further stated that “[i]n addition to specifying several formatting options within a publication (page 6, number 4; page 12, Figures 12-14), which could be considered to be selecting a publication format, ATS also discloses selecting the publication format as a PDF document or an interactive PDF form (pages 23-24).” Id. at 16. Appellant respectfully disagrees.

Pages 23-24 of ATS disclose an appendix entitled “PDF Forms on the Web.” Page 23. As stated above, the appendix briefly describes what a PDF form is, fields available for use on the PDF form for gathering information, and differences between HTML and PDF forms. Id. at pp. 23-24. The appendix of ATS fails to teach or disclose creation of a form-fillable PDF document.

While the appendix may briefly describe features and/or benefits of a PDF form, ATS fails to disclose how a PDF form is created. That is, ATS does not teach creating a PDF form via Adobe PDFWriter. The publication enabler identified by the Examiner in ATS is the Adobe PDFWriter, but PDFWriter, as disclosed in ATS, does not make any publication format choice available to a user for selection thereof. That is, the Adobe PDFWriter of ATS only creates files of one format – a PDF. While the Examiner concluded that the disclosure in the appendix of ATS teaches that the publication enabler allows selection of a publication format, one skilled in the art would recognize that an interactive PDF form is not created by the Adobe PDFWriter of ATS and that the Adobe PDFWriter does not allow selection of a publication format. As such, ATS fails to teach or suggest selecting a publication format via the publication enabler as the Examiner concluded.

Appellant further disagrees that selecting formatting options could be considered selecting a publication format as the Examiner concluded. The Examiner's ATS reference is directed to Adobe PDF, which is an acronym for "Portable Document Format." One skilled in the art would recognize that "format" is not directed to formatting options, as suggested by the Examiner, but rather to the file type. That is, selecting formatting options for the PDF to be generated does not select publication format via the publication enabler as called for in claim 1. Instead, the formatting options allow selection of formatting options of the PDF document in the PDF format.

Claim 1 also calls for, in part, publishing the data file in at least one publication format to a document management system. As stated above, ATS discloses PDF generation of a PDF file to a directory on a computer hard drive specified by a user. However, there is no teaching or suggestion in ATS that the PDF file generated is published to a document management system. As stated above, the Examiner concluded that Bendik discloses a document management system; however, there is no teaching or suggestion in either reference that clicking OK to generate the PDF file to the computer hard drive, as disclosed in ATS, publishes the PDF file to a document management system. That is, while a PDF file may be generated on a computer hard drive, there is no teaching or suggestion that the PDF file is published, or can be published, to a document management system when generated on the computer hard drive.

For at least these reasons, claim 1 is believed to be patentably distinct from the art of record. Appellant believes claims 2-7 are in condition for allowance at least pursuant to the chain of dependency. However, since Appellant believes claim 5 includes subject matter that is additionally distinguishable from the art of record, Appellant will specifically address that which

is patentably distinct above and beyond the allowability of the claim pursuant to the chain of dependency.

CLAIM 5:

Claim 5 calls for, in part, the step of publishing to further comprise the step of transmitting the data file and a plurality of document parameters to the document management system. The Examiner stated that “ATS further discloses the method wherein the step of publishing further comprises the step of transmitting the data file to a system. . . (page 5, number 7: Here, the file is saved to the hard drive in a document management system under a filename).” Final Office Action, supra at 4. Appellant respectfully disagrees.

As stated above, ATS discloses generating a PDF file of a document through the document’s print process. However, in addition to publishing the data file in at least one publication format to a document management system, claim 5 further includes transmitting the data file itself and a plurality of document parameters to the document management system in the publishing step. ATS does not disclose transmitting the data file, from which the PDF is generated, to the computer hard drive. That is, while ATS discloses PDF generation via the print dialog, ATS fails to teach or suggest that the PDFWriter generates a PDF and transmits the data file and a plurality of document parameters to a document management system as called for in claim 5. There simply is no disclosure in either reference for this subject matter.

For at least these reasons, claim 5 is believed to be patentably distinct from the art of record.

CLAIM 8:

With respect to claim 8, the Examiner stated that claim 8 “discloses the computer readable storage device having stored thereon a program for executing the method of claim 1” and rejected claim 8 under ATS and Bendik as set forth in claim 1. Final Office Action, supra at 6. Appellant incorporates the remarks set forth above with regard to claim 1.

Appellant respectfully disagrees that claim 8 merely executes the method of claim 1 as suggested by the Examiner. For example, the rejection of claim 1 fails to indicate where the prior art teaches the act of publishing the content of the electronic media directly into the at least one publication format in accordance with the received media control instruction and storage rules of the document management system as called for in claim 8. As stated above, the Examiner stated that Bendik discloses a document management system with storage criteria. However, the Examiner failed to show that the prior art teaches publishing the content of the electronic media in accordance with storage rules of the document management system. As stated above, clicking

OK to generate the PDF file to the computer hard drive, as disclosed in ATS, does not teach or suggest publishing the PDF file in accordance with a document management system. That is, the prior art fails to teach or suggest publishing a PDF file in accordance with storage rules of the document management system by merely generating the PDF file on a computer hard drive. Such is nowhere near akin to publication to a document management system. Instead of creating a PDF document according external rules, PDFWriter creates a PDF file according to its own rules.

For at least these reasons, claim 8 is believed to be patentably distinct from the art of record. Appellant believes claims 9-11 and 13-15 are in condition for allowance at least pursuant to the chain of dependency.

CLAIM 25:

Claim 25 calls for, in part, a processing unit programmed to call a GUI on demand and enable a user selection of one or more publication formats, wherein the one or more publication formats conform to document management system parameters and include publication formats non-native to a creation document format.

The Examiner admits that “ATS fails to specifically disclose conforming to a document management system with parameters,” but then states that “Bendik discloses conforming data to a document management system with parameters (paragraph 0049).” Id. at 8. The Examiner then stated that “[i]t would have been obvious to one of ordinary skill in the art at the time of the applicant’s invention to have combined ATS’s method with Bendik’s method, since it *would* have allowed a user to easily share documents within a workgroup without requiring knowledge of the DOS filename or the physical location of the document (Bendik, paragraph 0002).” Id. (emphasis added).

(I) Lack of motivation to combine references:

The Examiner’s motivation is derived from the present invention. As stated above, ATS discloses creating PDF file from an existing electronic document using PDFWriter. See ATS, p. 3. The PDF file is generated upon selection of an OK button in a standard file dialog box. Id. ATS fails to disclose a document management system or conforming the generated PDF file to parameters of a document management system. ATS is simply incapable of such functionality.

Also, as stated above, Bendik discloses creating a document in the original application of the document and creating a document profile corresponding to the document. Bendik neither teaches nor suggests converting a document from its original format to any other format. That is, Bendik fails to teach or suggest converting a document file format to a different file format for sharing information within a workgroup. There is no motivation in Bendik for converting a

document to a PDF to allow users to share documents within the workgroup without requiring knowledge of the DOS filename or the physical location of the document as the Examiner concluded. Instead, Bendik discloses that sharing the document within a workgroup may be accomplished via the document in its native format together with a corresponding document profile. As such, there is no motivation in Bendik for combining ATS therewith to produce the claimed invention because documents in Bendik may already be shared without conversion to another format. The Examiner has improperly relied on the present application for motivation. The only motivation in the references would lead one to save the document in Adobe Acrobat (i.e., the original application) to the document management system.

Appellant believes that neither the references nor the knowledge generally available to one skilled in the art provides motivation to combine ATS with Bendik to produce the claimed invention.

(II) Lack of references teaching, showing, or disclosing all the elements of the present claims:

The Examiner stated that ATS discloses “[a] processing unit programmed to call the GUI on demand and enable a user selection of one or more publication formats, wherein the one or more publication formats including (sic) publication formats non-native to a creation document (pages 4-5, numbers 3-6).” Final Office Action, supra at 8. The Examiner further stated that “ATS fails to specifically disclose conforming to a document management system with parameters. However, Bendik discloses conforming data to a document management system with parameters (paragraph 0049).” *Id.*

The Specification defines “format”. The Specification discloses:

Further, a format selector or drill down menu 110 is provided that allows the user to select a document format for which the electronic document should be published in to the document management system. That is, the present invention allows the user to select for publication a document format 110 that is foreign to the format in which the electronic document was created. That is, the present invention allows the user to change the format of the electronic document from the default format to another more desired format. For example, the user may elect that the electronic data file be published to the document management system as a text file (.txt), a rich text format (.rtf), or a DjVu (.djvu) format rather than the default document file (.doc).

Paragraph 0033.

As stated above, the Examiner’s ATS reference is directed to Adobe PDF, which is an acronym for “Portable Document Format.” One skilled in the art would readily recognize that a “format” has nothing to do with conforming to document management system parameters, as

suggested by the Examiner, but rather to the file type. That is, ATS fails to disclose enabling a user to select any publication format. Instead, ATS teaches creating PDF documents via PDFWriter, which only has one fixed, non-selectable publication format, i.e. PDF. The Adobe PDFWriter does not enable user selection of any publication format.

For all the reasons set forth above, Appellant believes that the art of record fails to substantiate a 35 U.S.C. §103(a) rejection of claim 25. As the art of record lacks the motivation to combine the references in the manner done by the Examiner and fails to teach or suggest each and every element of claim 25, Appellant believes claim 25, and claims 27 and 29 that depend therefrom, are patentably distinct over the art of record.

**REJECTION UNDER 35 U.S.C. §103(a) OVER
ATS AND BENDIK IN FURTHER VIEW OF ALAM:**

Claims 12 and 16-23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over ATS and Bendik, and further in view of Alam. Contrary to the Examiner's assertion, Appellant respectfully disagrees that the art of record supports a 35 U.S.C. §103(a) rejection of the present claims. Appellant believes that a prima facie case of obviousness cannot be made based on the art of record because, as will be shown below, (I) the references are directed to different purposes and, therefore, there is no motivation to combine these references in a way done so by the Examiner, other than Appellant's own teaching and (II) all the elements of the present claims are not present in the references. The Examiner, as will be shown below, has failed to establish the criteria necessary to support a §103(a) rejection.

CLAIMS 12 AND 16:

(I) Lack of motivation to combine references:

The Examiner stated that "[i]t would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined ATS's medium with Bendik's medium, since it would have allowed a user to easily share documents within a workgroup without requiring knowledge of the DOS filename or the physical location of the document (Bendik, paragraph 0002)." Final Office Action, supra at 11.

As stated above, ATS discloses creating PDF file from an existing electronic document using PDFWriter. See ATS, p. 3. The PDF file is generated upon selection of an OK button in a standard file dialog box. Id. ATS fails to disclose a document management system or conforming the generated PDF file to parameters of a document management system.

Also, as stated above, Bendik discloses creating a document in the application original to the document and a document profile corresponding to the document. Bendik neither teaches nor suggests converting a document from its original format to any other format. That is, Bendik fails to teach or suggest converting a document file format to a different file format for sharing information within a workgroup. There is no motivation in Bendik for converting a document to a PDF to allow users to share documents within the workgroup without requiring knowledge of the DOS filename or the physical location of the document as the Examiner concluded. Instead, sharing the document within a workgroup may be accomplished with that disclosed in Bendik via the document in its native format together with a corresponding document profile. As such, there is no motivation in Bendik for combining ATS therewith to produce the claimed invention as concluded by the Examiner because documents in Bendik may already be shared without conversion.

The Examiner also stated that “it would have been obvious to one of ordinary skill in the art at the time of the applicant’s invention to have combined ATS and Bendik’s medium with Alam’s medium for using multiple data files, since it would have allowed a user to save time by creating more than one file with a single publication command.” Id. at 11-12. However, the Examiner provided no basis for such a conclusion.

As stated above, there is no motivation in Bendik for converting a document. Furthermore, there is no motivation in Bendik for converting a document into more than one file. As such, one skilled in the art would not be motivated to combine Bendik with Alam.

Alam discloses Adobe PDF document generation applications for producing a PDF document. See col. 6, lines 33-42. One skilled in the art would recognize that the “ACROBAT WRITER” application software of Alam performs the functions of the “Acrobat PDFWriter” application software as disclosed in ATS. Since Alam and ATS disclose PDF writer application software for generating PDF files, one skilled in the art would not be motivated to combine Alam with ATS for saving time by creating more than one file with a single publication command because Alam does not need the teachings of ATS for PDF document generation..

Appellant believes that neither the references nor the knowledge generally available to one skilled in the art provides motivation to combine ATS and Bendik with Alam to produce the claimed invention.

(II) Lack of references teaching, showing, or disclosing all the elements of the present claims:

Appellant respectfully disagrees with the Examiner with respect to the art as applied, but in light of claim 12 depending from what is believed an otherwise allowable claim, Appellant does not believe additional remarks are necessary and, therefore, requests allowance thereof at least pursuant to the chain of dependency.

With regard to claim 16, the Examiner stated that ATS teaches “converting data directly from one format into a publication format (page 3, number 1 – page 5, number 7).” Final Office Action, supra at 11. The Examiner further stated that ATS teaches “transmit[ing] the converted data to at least one publication system capable of publishing the data file into a publication format (page 5, number 7).” Id.

Claim 16, however, calls for, in part, routing an electronic data file to a converter configured to convert an electronic data file directly into at least one of a number of publication formats compatible with a document management system. Claim 16 further calls for transmitting the at least one converted data file to at least one publication system capable of publishing the converted data file in the at least one publication format to the document management system. ATS merely teaches using Adobe PDFWriter to generate a PDF from a print dialog. See pp. 3-5. ATS, however, does not teach or suggest a converter configured to convert the electronic data file and teach or suggest at least one publication system capable of publishing the converted data file as called for in claim 16. At best, the Adobe PDFWriter generates a PDF document, but ATS fails to disclose a converter together with at least one publication system.

The Examiner further stated that Alam discloses “rout[ing] the electronic data file to a converter configured to substantially simultaneously convert the electronic data file into at least two of a number of publication formats.” Id. Notwithstanding that claim 16 does not call for a converter configured to substantially simultaneously convert the electronic data file into at least two of a number of publication formats, Alam also fails to teach or suggest a converter configured to convert the electronic data file and teach or suggest at least one publication system capable of publishing the converted data file all as called for in claim 16.

For all the reasons set forth above, Appellant believes that the art of record fails to substantiate a 35 U.S.C. §103(a) rejection of claim 16. As the art of record lacks the motivation to combine the references in the manner done by the Examiner and fails to teach or suggest each and every element of claim 16, Appellant believes claim 16 and claims 17-23 that depend therefrom are patentably distinct over the art of record.

REJECTION UNDER 35 U.S.C. §103(a) OVER**ATS AND BENDIK AND ALAM IN FURTHER VIEW OF OUCHI:**

Claim 24 stands rejected under 35 U.S.C. §103(a) as being unpatentable over ATS and Bendik and Alam and further in view of Ouchi.

CLAIM 24:**(I) Lack of motivation to combine references:**

The Examiner then stated that “[i]t would have been obvious to one of ordinary skill in the art at the time of the applicant’s invention to have combined the medium of ATS, Bendik, and Alam with Ouchi’s listing of supervisors in order to allow users to quickly notify selected supervisors of the publication of a document through a single message.” Final Office Action, supra at 14. Appellant respectfully disagrees.

As will be discussed below, Ouchi fails to teach or suggest listing supervisors. In fact, the Examiner stated that “Ouchi is silent on the distribution list specifically being a listing of approving supervisors. . . .” Id. Therefore, since Ouchi fails to teach or suggest listing supervisors, one skilled in the art would not be motivated to combine Ouchi’s “listing of supervisors” with ATS, Bendik, and Alam to allow users to quickly notify selected supervisors because there is no supervisor listing suggested in Ouchi.

Appellant believes that neither the references nor the knowledge generally available to one skilled in the art provides motivation to combine ATS and Bendik and Alam with Ouchi to produce the claimed invention.

(II) Lack of references teaching, showing, or disclosing all the elements of the present claims:

The Examiner stated that “Ouchi discloses displaying a list of addresses in response to a user instruction (Figure 12; column 10, lines 63-66: The setting of BRANCH INDICATOR is a user instruction).” Id. Appellant respectfully disagrees.

The indicated section of Ouchi fails to teach displaying a list of addresses as the Examiner concluded. Id. Ouchi discloses that Figure 12 “illustrates a route that specifies that a set of e-mails are to be sent to a distribution list if the user at e-mail address B sets the BRANCH INDICATOR=N.” Col. 10, lines 63-66. A set of e-mails to be sent to a distribution list is not tantamount to displaying a list of addresses. Ouchi fails to teach or suggest that any of the addresses in the distribution list are displayed.

Next, the Examiner stated that “[a]lthough Ouchi is silent on the distribution list specifically being a list of approving supervisors, it would have been obvious to one of ordinary

skill in the art at the time of the applicant's invention to have listed supervisors on a distribution list." Final Office Action, supra at 14. However, the Examiner failed to provide any basis for this conclusion. That is, the Examiner stated that it would be obvious to one skilled in the art to have listed supervisors on a distribution list, but provided no support in the references for such.

To satisfy a prima facie case of obviousness, the prior art must teach each and every element of the claimed invention. The prior art fails to teach displaying a listing of document approving supervisors as called for in claim 24. Further, the Examiner stated that Ouchi fails to teach that the distribution list is a list of approving supervisor and failed to provide support for such in the prior art.

For all the reasons set forth above, Appellant believes that the art of record fails to substantiate a 35 U.S.C. §103(a) rejection of claim 24. As the art of record lacks the motivation to combine the references in the manner done by the Examiner and fails to teach or suggest each and every element of claim 24, Appellant believes claim 24 is patentably distinct over the art of record in addition to being dependent from what is believed to be an otherwise allowable claim.

REJECTION UNDER 35 U.S.C. §103(a) OVER
ATS AND BENDIK IN FURTHER VIEW OF CHEN:

Claim 26 stands rejected under 35 U.S.C. §103(a) as being unpatentable over ATS and Bendik and further in view of Chen.

CLAIM 26:

(I) Lack of motivation to combine references:

The Examiner then stated that "[i]t would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined the ATS and Bendik's system with Chen's system of assigning a document identifier to a document upon document generation, since it would have allowed a user to save a document with a default set of document attributes that are set upon document creation." Final Office Action, supra at 15. Appellant respectfully disagrees.

Chen fails to teach or suggest saving a document with a default set of document attributes that are set upon document creation. Chen discloses creating a new STG file for each new document. Col. 4, lines 9-11. Chen discloses that an "STG file 200 may include a data field 205 which contains a file name, e.g., '001,STG', to identify the corresponding STG file 200." Col. 4, lines 21-24. Chen also discloses that "[t]he STG file 200 may also include a data field 210 and a data field 215 which reflects the memory location of the corresponding document and a bit map

defining a representative thumbnail respectfully.” Col. 4, lines 24-27. However, while the STG file includes a data field that contains the file name of that STG file, Chen fails to disclose that any document identifier is assigned to the corresponding document. Further, Chen fails to disclose any default set of document attributes. As such, Chen fails to teach or suggest assigning a document identifier to a document upon document generation to allow a user to save a document with a default set of document attributes that are set upon document creation as the Examiner concluded.

Appellant believes that neither the references nor the knowledge generally available to one skilled in the art provides motivation to combine ATS and Bendik with Chen to produce the claimed invention.

(II) Lack of references teaching, showing, or disclosing all the elements of the present claims:

The Examiner stated that “Chen discloses a system wherein the processing unit is further programmed to automatically generate a document identifier and assign the document identifier to the document (column 4, lines 9-11; column 4, lines 22-27).” Final Office Action, supra at 15. Appellant respectfully disagrees.

As stated above, Chen discloses an STG file that corresponds to another document. The STG file may include a data field that contains the file name of the STG file. See Chen, col. 4, lines 21-24. However, Chen fails to teach or suggest automatic generation of a document management system document identifier. That is, while the STG file may include a file name of the STG file, there is no teaching or suggestion in Chen of automatically generating the file name.

Further, the STS file name is not assigned to the corresponding document. That is, Chen fails to teach or suggest that an automatically generated document management system document identifier is assigned to the document as user desires to publish.

For all the reasons set forth above, Appellant believes that the art of record fails to substantiate a 35 U.S.C. §103(a) rejection of claim 26. As the art of record lacks the motivation to combine the references in the manner done by the Examiner and fails to teach or suggest each and every element of claim 26, Appellant believes claim 26 is patentably distinct over the art of record in addition to being dependent from what is believed to be an otherwise allowable claim.

**REJECTION UNDER 35 U.S.C. §103(a) OVER
ATS AND BENDIK IN FURTHER VIEW OF OUCHI:**

Claim 28 stands rejected under 35 U.S.C. §103(a) as being unpatentable over ATS and Bendik and further in view of Ouchi.

CLAIM 28:

(I) Lack of motivation to combine references:

The Examiner then stated that “[i]t would have been obvious to one of ordinary skill in the art at the time of the applicant’s invention to have combined the system of ATS with Ouchi’s listing of supervisors in order to allow users to quickly notify selected supervisors of the publication of a document through a single message.” Final Office Action, supra at 16. Appellant respectfully disagrees.

As stated above, Ouchi fails to teach or suggest listing supervisors. The Examiner again stated that “Ouchi is silent on the distribution list specifically being a listing of approving supervisors. . . .” Id. Therefore, since Ouchi fails to teach or suggest listing supervisors, one skilled in the art would not be motivated to combine Ouchi’s “listing of supervisors” with ATS to allow users to quickly notify selected supervisors because there is no supervisor listing suggested in Ouchi.

Appellant believes that neither the references nor the knowledge generally available to one skilled in the art provides motivation to combine ATS and Ouchi to produce the claimed invention.

(II) Lack of references teaching, showing, or disclosing all the elements of the present claims:

The Examiner stated that “Ouchi discloses displaying a list of addresses in response to a user instruction (Figure 12; column 10, lines 63-66: The setting of BRANCH INDICATOR is a user instruction).” Final Office Action, supra at 15-16. Appellant respectfully disagrees.

The indicated section of Ouchi fails to teach displaying a list of addresses as the Examiner concluded. Ouchi discloses that Figure 12 “illustrates a route that specifies that a set of e-mails are to be sent to a distribution list if the user at e-mail address B sets the BRANCH INDICATOR=N.” Col. 10, lines 63-66. A set of e-mails to be sent to a distribution list is not tantamount to displaying a list of addresses. Further, while the Examiner concluded that setting the BRANCH INDICATOR is a user instruction, Ouchi fails to teach or suggest displaying a list of a number of supervisors approving and a list of a number of work flow document recipients

upon a user instruction as called for in claim 28. Ouchi fails to teach or suggest that any of the addresses in the distribution list are displayed.

Next, the Examiner stated that “[a]lthough Ouchi is silent on the distribution list specifically being a list of approving supervisors, it would have been obvious to one of ordinary skill in the art at the time of the applicant’s invention to have listed supervisors on a distribution list.” Final Office Action, supra at 16. However, the Examiner failed to provide any basis for this conclusion. That is, the Examiner stated that it would be obvious to one skilled in the art to have listed supervisors on a distribution list, but provided no support in the references for such.

To satisfy a prima facie case of obviousness, the prior art must teach each and every element of the claimed invention. The prior art fails to teach displaying a listing of document approving supervisors as called for in claim 28. Further, the Examiner stated that Ouchi fails to teach that the distribution list is a list of approving supervisors.

For all the reasons set forth above, Appellant believes that the art of record fails to substantiate a 35 U.S.C. §103(a) rejection of claim 28. As the art of record lacks the motivation to combine the references in the manner done by the Examiner and fails to teach or suggest each and every element of claim 28, Appellant believes claim 28 is patentably distinct over the art of record in addition to being dependent from what is believed to be an otherwise allowable claim.

CONCLUSION

In view of the above remarks, Appellant respectfully submits that the Examiner has provided no supportable position that claims 1-29 are not patentable. Appellant believes that each claim is directed to statutory subject matter and defines over the art of record.

General Authorization for Extension of Time

In accordance with 37 C.F.R. §1.136, Appellant hereby provides a general authorization to treat this and any future reply requiring an extension of time as incorporating a request therefore. The Office is authorized to charge Deposit Account No. 07-0845 for any fee deficiency.

Respectfully submitted,

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Dated: October 18, 2006
Attorney Docket No.: GEMS8081.072

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CLAIMS APPENDIX

1. (Previously Presented) A method to electronically publish media to a document management system comprising the steps of:

accessing an electronic data file;

receiving a publication instruction from a document creation application to publish the accessed data file;

initializing a publication enabler capable of converting a data file into at least one publication format in response to the publication instruction, wherein the publication enabler is independent of the document creation application used to create the electronic data file;

selecting a publication format via the publication enabler;

if necessary for publication to the document management system, converting the accessed data file directly into another publication format; and

publishing the data file in at least one publication format to a document management system.

2. (Previously Presented) The method of claim 1 wherein the step of publishing further comprises step of storing the data file in memory of a computer according to storage criterion of the document management system.

3. (Previously Presented) The method of claim 2 further comprising the step of routing a publication notification to at least one of an approving supervisor and a work flow recipient from the publication enabler.

4. (Original) The method of claim 1 wherein the at least one publication format includes at least one of an RTF, HTML, PDF, TIFF, JPEG, GIF, BMP, and fax compression format.

5. (Previously Presented) The method of claim 1 wherein the step of publishing further comprises the step of transmitting the data file and a plurality of document parameters to the document management system, wherein the data file and plurality of document parameters are configured to enable the document management system to automatically assign a coded filename, a storage location, and a file identifier to the data file.

6. (Previously Presented) The method of claim 5 further comprising the step of retrieving the data file from the document management system based on any of the file identifier, coded filename, storage location, and document parameters, wherein the document parameters include at least one of an author, a title, a subject, a format, an approver, and a work flow recipient.

7. (Previously Presented) The method of claim 1 wherein the publication instruction is a print command and further comprising the step of initializing the document management system publication enabler with any application capable of printing the electronic data file.

8. (Previously Presented) A computer readable storage device having stored thereon a program that when executed by a computer causes the computer to:

identify a command from a media creation application to manage an electronic media;

access the electronic media;

initialize a media publisher independent of the media creation application and configured to control publication of the electronic media to a document management system, wherein the media publisher is further configured to transform the content of the electronic media into at least one publication format;

receive a media control instruction from the media publisher to transform the content of the electronic media into at least one publication format; and

publish the content of the electronic media directly into the at least one publication format in accordance with the received media control instruction and storage rules of the document management system.

9. (Previously Presented) The computer readable storage device of claim 8 wherein the at least one publication format includes media formats foreign to the media creation application.

10. (Previously Presented) The computer readable storage device of claim 8 wherein the at least one publication format includes at least a portable document format, a hypertext markup language, an x-markup language, a rich text format, a JPEG format, a GIF format, a TIFF

format, encryption formats, a bitmap format, compression format and electronic messaging formats.

11. (Previously Presented) The computer readable storage device of claim 8 wherein the computer is further caused to transmit the content of the electronic media to the document management system to store the content of the electronic media in a readily identifiable data file according to the rules of the document management system.

12. (Previously Presented) The computer readable storage device of claim 8 wherein the computer is further caused to receive more than one media control instruction and simultaneously transform the content of the electronic media into more than one format.

13. (Previously Presented) The computer readable storage device of claim 8 wherein the computer is further caused to initialize the media publisher in response to a print command from the media creation application.

14. (Previously Presented) The computer readable storage device of claim 8 wherein the computer is further caused to retrieve the content of an electronic media from the document management system by using at least one of a plurality of publication parameters associated with the published content of the electronic media.

15. (Previously Presented) The computer readable storage device of claim 8 wherein the computer is further caused to electronically transmit the content of the electronic media to at least one of a supervising approver and a workflow recipient.

16. (Previously Presented) A computer readable storage medium having a computer program stored thereon and embodying a sequence of instructions that when executed by a processor causes the processor to:

- (A) access an electronic data file in response to at least one of an application print command and application open command;
- (B) display a graphical user interface (GUI) configured to facilitate user selection of a number of publication commands;
- (C) receive a user selection of at least one publication command;

(D) route the electronic data file to a converter configured to convert the electronic data file directly into at least one of a number of publication formats compatible with a document management system; and

(E) transmit the at least one converted data file to at least one publication system capable of publishing the converted data file in the at least one publication format to the document management system.

17. (Previously Presented) The computer readable storage medium of claim 16 wherein the sequence of instructions further causes the processor to display the GUI in response to a document management instruction.

18. (Previously Presented) The computer readable storage medium of claim 17 wherein the sequence of instructions further causes the processor to execute acts (A) through (E) in response to a user print instruction.

19. (Previously Presented) The computer readable storage medium of claim 18 wherein the sequence of instructions further causes the processor to recognize a user print instruction from any software application capable of printing the electronic data file.

20. (Previously Presented) The computer readable storage medium of claim 16 wherein the number of publication commands include a publish command, a compress command, and a number of conversion commands including a convert to PDF command and a convert to HTML command.

21. (Previously Presented) The computer readable storage medium of claim 16 wherein the number of publication formats include PDF, JPEG, GIF, TIFF, HTML, XML, RTF, TXT, DOC, encryption, PPT and ZIP.

22. (Previously Presented) The computer readable storage medium of claim 16 wherein the sequence of instructions further causes the processor to retrieve an electronic data file from a document management system capable of storing the electronic data file.

23. (Previously Presented) The computer readable storage medium of claim 16 wherein the sequence of instructions further causes the processor to route the converted data file to a supervisor and a subsequent document designate.

24. (Previously Presented) The computer readable storage medium of claim 16 wherein the sequence of instructions further causes the processor, in response to a user instructions, displays a listing of document approving supervisors.

25. (Previously Presented) A system for publishing documents to a document management system comprising:

- a computerized network

- a readable memory electronically linked to the network;

- a plurality of computers connected to the network, wherein at least one of the plurality of computers, displays electronic data to a user in the form of a graphical user interface (GUI);

- a processing unit programmed to call the GUI on demand and enable a user selection of one or more publication formats, wherein the one or more publication formats conform to document management system parameters and include publication formats non-native to a creation document format; and

- wherein the processing unit is further programmed to convert a document to at least one of the publication formats and call the GUI directly from the application used to create the document a user desires to publish.

26. (Previously Presented) The system of claim 25 wherein the processing unit is further programmed to automatically generate a document management system document identifier and assign the document management system document identifier to the document.

27. (Previously Presented) The system of claim 25 wherein the processing unit is further programmed to automatically assign document management system publication parameters, wherein the document management system parameters include at least one of a document category, document format, document approval, and document workflow.

28. (Original) The system of claim 25 wherein the processing unit is further programmed to display a list of a number of supervisors approving and a list of a number of work flow document recipients upon a user instruction.

29. (Previously Presented) The system of claim 28 wherein the processing unit is further programmed to route the document to at least one of a supervising approver or a work flow document recipient upon a user instruction.

30. (Canceled)

EVIDENCE APPENDIX

--None.

RELATED PROCEEDINGS APPENDIX

--None.